

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER M. RAINÉ,

Plaintiff,

v.

Case No. 10-cv-347-JPG

JOHN D. EVANS, *Warden,*
Big Muddy River Correctional Center,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier's Report and Recommendation ("R & R") (Doc. 14) of May 12, 2011, wherein it is recommended that the Court dismiss Defendant John Evans and, by implication, this case. Neither Evans nor Plaintiff Christopher Raine filed an objection to the R & R.

After reviewing a report and recommendation, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjection portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, again, neither party has filed an objection to Magistrate Judge Frazier's R & R. The Court has reviewed the R & R for clear error and finds that it is not clearly erroneous. As

such, the Court **ADOPTS** the R & R (Doc. 14) in its entirety, whereby the Court **DISMISSES** Evans **with prejudice**. Further, because there are no further issues requiring the Court's attention in this case, the Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED
DATED: June 14, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE